

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
ECSON CAIMITE,**

Plaintiff,

**9:17-cv-919
(GLS/CFH)**

v.

D. VENETTOZZI et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

ECSON CAIMITE

Plaintiff *Pro Se*

01-A-2313

Greene Correctional Facility

P.O. Box 975

Coxsackie, New York 12051

FOR DEFENDANTS:

HON. BARBARA D. UNDERWOOD

New York Attorney General

The Capitol

Albany, NY 12224

MATTHEW P. REED

Assistant Attorney General

Gary L. Sharpe

Senior District Judge

ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order by Magistrate Judge Christian F. Hummel duly filed on October 29, 2018. (Dkt. No. 28.) Following fourteen days

from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report-Recommendation and Order for clear error, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 28) is **ADOPTED** in its entirety; and it is further

ORDERED that defendants' motion to dismiss (Dkt. No. 19) is **GRANTED** in part and **DENIED** in part as follows:

GRANTED as to the following claims, which are **DISMISSED**:
(1) plaintiff's Fourteenth Amendment due process claim against defendants E.F. Corbett and D. Venettozzi; (2) plaintiff's Eighth Amendment conditions of confinement claim against all defendants; and (3) plaintiff's state law claims; and

DENIED in all other respects, leaving only plaintiff's Fourteenth Amendment due process claim against defendants J.A. Esgrow and A. Rodriguez; and it is further

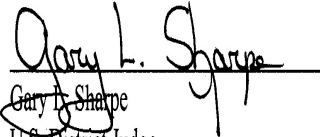
ORDERED that the Clerk is directed to terminate Corbett and Venettozzi from this action; and

ORDERED that the Clerk provide a copy of this Order to the parties

in accordance with the Local Rules.

IT IS SO ORDERED.

November 20, 2018
Albany, New York



Gary L. Sharpe
U.S. District Judge